

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

RANDY EARL JOY

by Mother and Next Friend, Gloria Jean Joy

PLAINTIFF

V.

NO. 3:13CV93-SA-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

REPORT AND RECOMMENDATION

This Social Security case is before the court on Plaintiff's Motion to Dismiss Appeal [14]. In support of the motion, Plaintiff essentially states that "it is clear that . . . the ALJ's decision will be affirmed." Counsel for the Commissioner has represented to the undersigned that Defendant has no objection to the motion.

Pursuant to FED. R. CIV. P. 41(a)(2), "an action may be dismissed at the plaintiff's request . . . by court order, on terms that the court considers proper." Therefore, it is my recommendation that Plaintiff's motion to dismiss be granted pursuant to Rule 41(a)(2).

The parties are referred to L. U. Civ. R. 72(a)(3) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 22nd day of July, 2013.

/s/Jane M. Virden
UNITED STATES MAGISTRATE JUDGE